

**REMARKS**

In the present application, claims 1, 3, 4 and 6-39 are pending. Claims 1-13, 28, 29, 34 and 35 are allowed. Claims 14-18, 20-27, 30, 32, 33, 36, 38 and 39 are rejected. Claims 19, 31 and 37 are objected to. Claims 19, 31, and 37 have been amended. As a result of this response, claims 1, 3, 4 and 6-39 are believed to be in condition for allowance.

**Claim Objections**

The Examiner objected to claims 19, 31 and 37 as being dependent upon a rejected base claim, but noted that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 19, 31 and 37 have been amended to include the subject matter of the intervening claims and, as such, are in condition for allowance.

**Claim Rejections – 35 USC § 102**

Claims 14-17 were rejected as being anticipated by Kim (6,681,120).

Claim 14 claims in relevant part:

transmitting a message through the at least one wireless transceiver based on the acceleration vector, **the message comprising at least one instruction that governs behavior of the entity.**

With respect to claim 14, Applicants respectfully disagree with Examiner's assertion that Kim discloses "transmitting a message through the at least one wireless transceiver based on the acceleration vector, the message comprising at least one instruction that governs behavior of the entity (col. 4, 35-54, 911, vehicle rescue number, emergency, location)." Specifically, Applicants contend that Kim does not disclose this element of claim 14.

Applicants respectfully provide the following information to summarily assist the Examiner in regard to what is meant by "an entity" as claimed and not to argue any limitations which are unclaimed. As discussed at paragraphs [00063] and [00084] of the present specification, a mobile agent or mobile entity is a program that operates on a mobile station. For example, at paragraph [00084] it is stated that: "A mobile agent, e.g., a mobile entity may operate using an

orientation as a command." At paragraph [00063] it is stated that a principle function of mobile entities may be to entertain and may include displayed animation.

A word search and line-by-line reading of Kim makes only one mention of transmitting anything. Specifically, Kim discloses, in relevant part, "the sudden deceleration of the automobile in an accident condition would be sensed by the acceleration sensor to cause the microprocessor 112 to dial an appropriate telephone number stored in the dialing memory 113, such as a "911" or a vehicle rescue number, **and transmit the emergency as well as the location of the device 100** as determined by a global positioning satellite (GPS) reading section 117 provided with the device." (emphasis added).

As is evident, Kim makes no mention of transmitting any form of a message comprising "at least one instruction that governs behavior of the entity" as claimed and described above. As a result of this omission in the teachings of Kim, Applicants respectfully traverse the rejection of claim 14. Claim 14 is now believed in condition for allowance. As all of claims 15-17 are dependent upon claim 14, claim 14 now believed to be in condition for allowance, claims 15-17 are likewise believed to be in condition for allowance.

Claims 30, 36 were rejected as being anticipated by Lu (6,603,420).

Applicants disagree with Examiner's assertion that Lu recites "a method to [send] a mobile entity from a first wireless device to a second wireless device (fig. 2)" and "based on the detected change in orientation, transmitting a description of the mobile entity from the first wireless device to the second device (col. 2, 11-24)."

Claim 30 recites, in part, "transmitting a description of the mobile entity from the first wireless device to the second device". Claim 36 likewise recites, in relevant part "to send a mobile entity from the wireless device to another device...".

In addition to the description of "an entity" provided above, Applicants further respectfully provide the following information to summarily assist the Examiner in regard to what is meant by "an entity" as claimed and not to argue any limitations which are unclaimed. As discussed at

paragraph [00065] it is also possible to transfer the program or "*propagate the mobile entity*" to other mobile devices via wireless transmission of the entity. For example, at paragraph [00084] it is described that:

"A more sophisticated command may be to move the mobile agent to the left, and if the mobile agent as displayed, has reached the left most portion of the display, then the mobile agent should transmit a copy of itself, in machine independent instruction form, over a wireless link to a mobile station that is nearby."

However, nothing like the limitations quoted above is taught or suggested by Lu which instead discloses a simple remote control device with no "entity" as claimed, and with *no sending of the mobile entity* from the wireless device to another device as claimed. In other words, a remote control that sends out an IR control signal is not the same as a wireless device that sends out a mobile "entity". Thus, the Examiner is respectfully incorrect in citing Lu, because nothing in the disclosure of Lu teaches or suggests an entity, and the claimed limitations, because no mobile entity exists or is propagated in Lu.

As a result of this omission, Applicants respectfully traverse the Examiner's grounds for rejection with respect to claims 30 and 36. Claims 30 and 36 are therefore believed to be in condition for allowance.

Lastly, claims 32 and 38 were rejected as being anticipated by Lands (6,411,828).

Applicants disagree with Examiner's assertion that Lands teaches "a method to set a call reception state of a wireless device..." and "setting the call reception state of the wireless device based on the detected orientation".

Claim 32 claims in *relevant part*:

32. (Previously presented) A method *to set a call reception state* of a wireless device, comprising:

detecting, from an output of a proprioceptive sensor, an orientation of the wireless device when at rest upon a surface; and

*setting the call reception state* of the wireless device *based on the detected orientation*.

The Examiner at page 4 alleges that Lands discloses setting a call reception state; however this is incorrect. As noted in Applicants' previous response, Lands merely deals with switching modes between speakerphone mode and handset mode *for operation* based on the indication of a gravitational sensor. For example, when the handset is picked up vertically, handset mode is selected, and when the handset is layed down horizontally, speakerphone mode is selected. However, no discussion of setting *a call reception state*, e.g., go to voice mail, take the call, make an announcement, etc. is discussed in Lands.

The Examiner at page 11 alleges that "regarding the rejection of claims 32 and 38, Applicant contends that in Lands, there is no discussion of setting a call reception state, i.e., go to voice mail, take the call, make an announcement etc. In response, the examiner does not believe that such limitations are recited in the claims." Applicants respectfully refer, once again, to the discussion above. Applicants do not contend that claim 32 anywhere recites as limitations "go to voice mail, take the call, make an announcement etc." Rather, Applicants refer to the plain text of claim 32 wherein there is recited "setting the call reception state of the wireless device". As Lands fails to teach this element of both claims 32 and 38, Applicant traverse the Examiner's grounds for rejection. Claims 32 and 38 are therefore believed to be in condition for allowance.

#### **Claim Rejections – 35 USC § 103**

Claims 18 was rejected as being unpatentable over Kim in view of Hardouin (6,311,078).

Claim 18 is dependant upon claim 14. While taking no position on the obviousness of combining the teachings of Kim and Hardouin, Applicants refer to the discussion of claim 14 above. As is established in the preceding discussion, Kim fails to disclose or otherwise teach "transmitting a message through the at least one wireless transceiver based on the acceleration vector, the message comprising at least one instruction that governs behavior of the entity." Hardouin likewise fails to disclose the transmission of such a message. As neither Kim nor Hardouin individually recite the above noted element of claim 14, neither Kim nor Hardouin, taken in

combination, teach or suggest the recited element of claim 14. Claim 14 is therefore condition for allowance, and, as claim 18 is dependant upon claim 14, claim 18 is likewise in condition for allowance.

Claims 20-27 were rejected as being unpatentable over Hardouin in view of Nilsen (6,529,144).

Claim 20 reads is relevant part: A method to send a feedback contextual response to a calling device comprising:

- detecting at least one acceleration during a time interval, where the **detected at least one acceleration is indicative of an orientation of a mobile station in three dimensional space;**
- detecting an incoming signal from a calling device;
- selecting an announcement based on the orientation of the mobile station;
- and
- transmitting the announcement.

The Examiner correctly states that “Hardouin fails to teach that the detected at least one acceleration is indicative of an orientation of a mobile [sic] in three dimensional space. Nilsen teaches that motion sensor can be any suitable motion transducer such as one, two, or three axis accelerometer, gyroscope or altitude sensor.” However, the Examiner erroneously asserts that “It would have obvious to one of ordinary skill in the art at the time the invention was made to provide the accelerometer of Nilsen to the system of Hardouin in order to detect the motion of the mobile station when three-dimensional acceleration is required.”

While Applicants in no way suggest or consider proper such a combination as suggested by the Examiner, such a combination would not disclose the elements as recited in claim 20. While not admitted by the Applicants, even the Examiner allows that such a combination would provide detection of “the motion of the mobile station when three-dimensional acceleration is required.” However, claim 20 does not simply recite the detection of the motion of a mobile station when three-dimensional acceleration is required. Claim 20 recites, in part, “detecting at least one acceleration during a time interval, where the **detected at least one acceleration is indicative of**

**an orientation of a mobile station in three dimensional space"**(emphasis added). As is evident, this element of claim 20 recites detecting an acceleration which is indicative of an orientation in space. The Examiner erroneously likens the detection of orientation in three dimensional space, as is claimed, to the detection of motion in the event of three-dimensional acceleration, which is not claimed.

As a result, neither Nilsen nor Hardouin, taken alone or in combination, recite the element of "detecting at least one acceleration during a time interval, where the detected at least one acceleration is indicative of an orientation of a mobile station in three dimensional space" as does claim 20. Claim 20 is therefore believed to be in condition for allowance. As all of claims 21 - 27 depend upon claim 20, claim 20 believed to be in condition for allowance, claims 21-27 are likewise believed to be in condition for allowance.

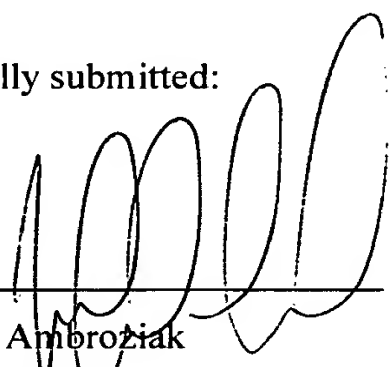
Claims 33-39 were rejected as being unpatentable over Land in view of Hardouin.

Claims 33 and 39 depend upon independent claims 32 and 38 respectively. For the reasons discussed above, claims 32 and 38 are believed to be in condition for allowance. Therefore, claims 33 and 39 are likewise believed to be in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Respectfully submitted:

  
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Jeffrey R. Ambroziak

Reg. No.: 47,387

13 Apr 05  
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Date

Customer No.: 29683

HARRINGTON & SMITH, LLP

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203)925-9400

Facsimile: (203)944-0245

email: jambroziak@hspatent.com

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